IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :17901 of 2007

DATED:23.8.2007.

Between:

The Govt of A.P rep by its Secretary, Agriculture Dept, Hyderabad & others

....PETITIONERs

AND

S.Abdul Sharif

.....RESPONDENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:17901 OF 2007

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ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

The petitioners have filed the present writ petition seeking to call for the records pertaining to the order dated 23.1.2003 in O.A.No:4439 of 1998 of the Tribunal and set aside the same.

The respondent herein is the applicant. Originally, on the O.A. filed by the applicant seeking to declare the action of the respondents in terminatig the services of the applicant as arbitrary and set aside the proceedings No:A3/9707/97, dated 22.6.1998 issued by the 3rd respondent, the tribunal having observed that the respondent had appointed the applicant knowing fully well about his age and when the impugned orders were issued in the year 1998, he had already put in nearly four years service and as of now, he had put in nearly 8 years of service and thus the respondents appointed the applicant in the year 1994 under the last grade service as Messenger on compassionate grounds in the year 1994 and therefore, in view of the principles of equity and fair play and in view of the fact that the applicant has not played any fraud for getting his appointment, the services of the applicant should not be terminated, allowed the O.A on 23.1.2003 directing the respondents to continue the applicant in service.

Having aggrieved by the same, the present writ petition is

preferred by the respondents on 20.6.2007.

Heard the learned G.P. for Services-I and perused the entire material available on record as well as the order impugned.

A perusal of the record clearly goes to show that this writ petition is filed nearly after four years after passing of the order by the tribunal and the same has not been accompanied by any delay condone petition. No sufficient reasons have also been assigned for such an abnormal delay in challenging the order impugned herein.

In this background of the matter and in view of the fact that the appointment of the applicant itself is on the retirement of his father on medical grounds and no fraud can be attributed against him as to his age, without expressing any opinion on the merits of the case, We feel that the respondents cannot be said to have approached this Court with clean hands. Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

(JUSTICE T.MEENAKUMARI)

23rd August, 2007

(JUSTICE G.CHANDRAIAH)

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THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:17901 of 2007

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

23rd August, 2007.

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:5051 of 2007

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

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28th June, 2007.